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First Nonprofit Insurance Company*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CHABAD-LUBAVITCH OF OREGON, dba
MAIMONIDES JEWISH DAY SCHOOL, a
domestic non-profit corporation,

Plaintiff,

vs.

FIRST NONPROFIT INSURANCE
COMPANY, a Delaware corporation,

Defendant.

Case No. 3:22-cv-01393

NOTICE OF REMOVAL OF CIVIL
ACTION

(Multnomah County Circuit Court Case No.
22CV26329)

TO: The Clerk of the United States District Court of Oregon
(Portland Division)

AND TO: Plaintiff, Chabad-Lubavitch of Oregon, dba Maimonides Jewish Day School and its Counsel of Record Fred Millard

Defendant First Nonprofit Insurance Company (“FNIC”) hereby gives notice that this action is removed to the United States District Court for the District of Oregon, Portland Division, from the Circuit Court of the State of Oregon for Multnomah County. Pursuant to 28 USC §1441 and 28 USC §1446, FNIC further states:

PROCEDURAL POSTURE--STATE COURT ACTION

1. FNIC is a defendant in a civil action filed by plaintiff in the Circuit Court of the State of Oregon for Multnomah County, entitled *Chabad-Lubavitch of Oregon, dba Maimonides Jewish Day School v. First Nonprofit Insurance Company*, Multnomah County Circuit Court Case Number 22CV26329 (the “State Court Action”).

2. The State Court Action was commenced when plaintiff filed his Complaint with the Clerk for the Circuit Court of the State of Oregon for Multnomah County on or about August 9, 2022. Plaintiff filed a proof of service purporting to have served FNIC with the Summons and Complaint on August 16, 2022.

3. This Notice of Removal of Civil Action is timely, under 28 USC §1446(b), in that it is being filed within 30 days of the purported service on FNIC of plaintiff’s Complaint. Other than Notices of Removal, FNIC has not filed pleadings in this action to date.

4. A true copy of the Complaint and the remainder of the state court file is attached to the Declaration of Gregory L. Baird in Support of Removal, which is being filed together with this Notice. A separate Jury Demand has not been filed as of the date of this Notice of Removal.

5. The State Court Action is a controversy between citizens of different states. FNIC is informed and has a good faith belief that plaintiff is, and at all material times has been, a nonprofit corporation organized and duly incorporated under the laws of the State of Oregon, having its principal place of business in Oregon.

6. FNIC is, and at all times material has been, a corporation organized and duly incorporated under the laws of the State of Delaware, having its principal place of business in New York.

7. Upon information and belief, complete diversity exists between plaintiff and defendant.

8. The State Court Action is a civil action by plaintiff seeking insurance coverage for extra expense and business interruption. Plaintiff alleges it has incurred \$543,972.26 in damages, exclusive of plaintiff's claimed prejudgment interest, costs, disbursement, and any other relief deemed equitable by this court. Accordingly, the amount in controversy in the State Court Action is in excess of the sum of \$75,000, exclusive of interest and costs. FNIC denies it is liable to plaintiff for the allegations and Claims asserted in the State Court Action.

STATEMENT OF JURISDICTION

9. This Court has original jurisdiction of this civil action pursuant to 28 USC §1332, and the action, therefore, is subject to removal pursuant to 28 USC §1441(a).

10. Venue is proper in the United States District Court for the District of Oregon, Portland Division, because the State Court Action is removed from the Multnomah County Circuit Court of Oregon.

11. FNIC is concurrently filing a Notice to State Court of Removal with the Clerk of the Multnomah County Circuit Court, in accordance with 28 USC §1446(d). Such Notice is also being concurrently served on plaintiff through its attorneys.

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FNIC'S NON-WAIVER AND RESERVATION of RIGHTS

12. By filing this Notice of Removal of Civil Action, FNIC does not waive, and expressly reserve, all rights, claims, defenses, privileges and/or objections of any nature that FNIC may have to plaintiff's allegations, Claims, and State Court Action.

DATED this 15th Day of September, 2022.

Respectfully Submitted:

GORDON & POLSCER, L.L.C.

By: s/ Gregory L. Baird

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*Attorney for Defendant
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